



**US Army Corps
of Engineers®**

LOS ANGELES DISTRICT

PUBLIC NOTICE

APPLICATION FOR PERMIT

Public Notice/Application No.: 1999-15315-SDM

Comment Period: July 28, 1999 through August 26, 1999

Applicant

Robert Speirs
Stardust Development, Inc.
6760 N. Scottsdale Road, Suite 230
Scottsdale, Arizona 85253-4416

AGENT:

Teri S. Mintz
David Evans & Associates, Inc.
7878 N. 16th Street, Suite 250
Phoenix, Arizona 85020

Location

In the Dale Creek and the Litchfield Park Detention Facility at (Sections 10 & 15, T2N, R1W), Litchfield Park, Maricopa County, Arizona.

Activity

To discharge fill material into 16.5 acres of jurisdictional ephemeral waters in the course of developing the 630-acre Dreaming Summit residential project. For more information, see page 3 of this notice and attached drawings.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344). Comments should be mailed to:

**U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (1999-15315-SDM)
3636 North Central Avenue, Suite 760
Phoenix, Arizona 85012-1936**

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality and/or the U.S. Environmental Protection Agency. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

To mass grade the 630-acre Dreaming Summit residential construction project, including the following activities. 1. Regrading approximately 2000 feet of Dale Creek Wash (approximately 1.8 acres of jurisdictional ephemeral waters) immediately upstream (north) of the Litchfield Park Detention Facility in order to convey the 100-year peak discharge and subsequently landscaping the wash with native desert species. 2. Regrading the existing Litchfield Park Detention Facility (approximately 14.5 acres of jurisdictional ephemeral waters) and revegetating it with grass and 4 acres of desert habitat within the jurisdictional ordinary high water mark (OHWM). Creating passive recreation facilities (soccer fields) within the grassy area, and installing landscaping, basketball/volleyball courts, and ramadas outside the jurisdictional OHWM. 3. Constructing three road crossings of the Litchfield Park Detention Facility outfall channel (approximately 0.2 total acres of impact).

Proposed Special Conditions

An on-site mitigation plan is under review.

For additional information please call Sallie D. McGuire at (602) 640-5385 x 221. This public notice is issued by the Chief, Regulatory Branch.